1	ANNE HIARING HOCKING, Esq. State Bar No. 88639 Law Office of Anne Hiaring		
2	711 Grand Avenue, Suite 260 San Rafael, CA 94901		
3	Telephone: (415) 457-2040 Facsimile: (415) 457-2822		
4	Email: anne@hiaringlaw.com		
5 6	Attorney for Plaintiff and Counter-defendant PROTECH DIAMOND TOOLS INCORPORATION		
7			
8	IN THE UNITED STA	TES DISTRICT COURT	
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION		
10	PROTECH DIAMOND TOOLS (INCORPORATION, a California Corporation,)	Case No.: C 08-3684 SBA	
11	Plaintiff,	STIPULATION AND ORDER FOR EXTENDING TIME FOR PLAINTIFF	
12	vs.	AND COUNTERDEFENDANTS TO	
13	DAVID LIAO, an individual, PROTECH) DIAMOND TOOLS INC., a Canadian)	RESPOND TO COUNTERCLAIMANTS' COUNTERCLAIM; AND EXTENDING INITIAL CASE MANAGEMENT	
14	Corporation, and PROTECH DIAMOND (USA, INC., a California Corporation, and)	CONFERENCE AND ADR DEADLINES	
15	DOES 1-10,	[Fed. R. Civ. P. 6(b)]	
16	Defendants.)		
17	PROTECH DIAMOND TOOLS, INC., a		
18	Canadian Corporation; PROTECH DIAMOND, INC., an Oregon Corporation and)		
19	PROTECH DIAMOND USA, INC., a () California Corporation, ()		
20	Counterclaimants,		
21	VS.)		
22	PROTECH DIAMOND TOOLS INC., a California Corporation; and DENNIES CHUNG, an individual,		
23	Counter-defendants.		
24	Counter-defendants.)		
25	IT IS STIPULATED and respectfully red	quested by Plaintiff and Counter-defendant	
26	Protech Diamond Tools Incorporation ("Counter-defendant") and Counterclaimants Protech		
27	Diamond Tools, Inc., Protech Diamond, Inc. and Protech Diamond USA, Inc.		
28	("Counterclaimants"), through their respective counsel, as follows:		
	STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR COUNTERDEFENDANT TO RESPOND TO COUNTERCLAIM; AND EXTENDING CMC AND ADR DEADLINES Case No. C 08-3684 SBA -1-		

1

2

45

6

7 8

9

10

11 12

13

14

15 16

17

18

19 20

21

2223

24

2526

27

28

I. <u>COUNTERDEFENDANTS' TIME TO ANSWER</u>

The parties stipulate and respectfully request that the time within which Counter-defendant may respond to the Counterclaim filed by Counterclaimants on December 1, 2008 will be extended by this Court from December 21, 2008 to January 20, 2009 or such date as this Court may order.

Counter-defendant believes that good cause exists for this Court to order an extension of time for it to respond to the Counterclaim because Ms. Dennies Chung, the principal of Plaintiff as well as the second named Counter-defendant, has been out of the country and is not expected to return until past the deadline for filing a response to the Counterclaim. Because Ms. Chung is the principal of Plaintiff, her input is required to adequately prepare and respond to Counterclaimants' Counterclaim. Also, Ms. Chung will shortly be served as a second named Counter-defendant in this action; Counter-defendant's counsel agreed to accept service on her behalf and also agreed that Ms. Chung will respond at the same time that Counter-defendant responds to the Counterclaims.

II. CASE MANAGEMENT AND ALTERNATIVE DISPUTE RESOLUTION DEADLINES

The parties further stipulate and respectfully request that this Court also extend by thirty (30) days, or as soon thereafter as the Court deems convenient, the initial case management and alternative dispute resolution deadlines as set forth in this Court's Order dated September 15, 2008 and the docket text entered September 16, 2008 as follows:

- Last day to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; file joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone conference is extended to February 12, 2009;
- 2. Last day to complete initial disclosures or state objection in Rule 26(f) Report, file Case Management Statement and file/serve Rule 26(f) Report is extended to February 26, 2009; and
- 3. Case Management Conference (CMC) in Courtroom 3, 3rd Floor, Oakland at 2:30 p.m., via telephone, is extended to March 6, 2009.

1	The parties believe good cause exists for the extens	ion of the case management and	
2	alternative dispute resolution deadlines because the time fo	r Counter-defendant to respond to the	
3	Counterclaim is set after the first deadline to meet and conf	fer regarding initial disclosures and to	
4	file the alternative dispute resolution certification, which are	re currently set for January 13, 2009.	
5	This date is well prior all the named Counter-defendants having made their appearances.		
6	Accordingly, the disclosure of information as required by the Federal Rules of Civil Procedure		
7	and this Court's Local Rules cannot meaningfully be exchanged and discussed until all parties		
8	are before this Court.		
9			
10		Respectfully Submitted,	
11	DATED:	LAW OFFICE OF ANNE HIARING	
12		_	
13 14		By: Anne Hiaring Hocking, Esq. Attorney for Plaintiff and Counter-defendant	
15			
16	STIPULATED TO:		
17	DATED:	QUINTANA LAW GROUP, APC	
18		By:	
19		Andres F. Quintana, Esq. John M. Houkom, Esq. Attorneys for Defendant David	
20		Attorneys for Defendant David Liao and Defendants and	
21		Counterclaimants Protech Diamond Tools Inc., Protech	
22		Diamond USA, Inc. and Counterclaimant Protech	
23		Diamond, Inc.	
24	ACCORDINGLY:		
25			
26	1. The last day to meet and confer re: initial disclosures, early settlement, ADR		
27	process selection, and discovery plan; file joint ADR Certification with Stipulation to ADR		
28	Process or Notice of Need for ADR Phone conference is extended to February 12, 2009;		
	STIPULATION AND [PROPOSED] ORDER		

EXTENDING TIME FOR COUNTERDEFENDANT TO RESPOND TO COUNTERCLAIM; AND EXTENDING CMC AND ADR DEADLINES Case No. C 08-3684 SBA -3-

1	2. The last day to complete initial disclosures or state objection in Rule 26(f) Report,		
2	file Case Management Statement and file/serve Rule 26(f) Report is extended to March 1, 2009;		
3	and		
4	3. The Case Management Conference scheduled for February 4, 2009, at 2:30 p.m,		
5	see Docket entry dated 9/16/2008, shall be CONTINUED to March 11, 2009 at 2:30 p.m. The		
6	parties shall meet and confer prior to the conference and shall prepare a joint Case Management		
7	Conference Statement which shall be filed no later than ten (10) days prior to the Case		
8	Management Conference that complies with the Standing Order for all Judges of the Northern		
9	District of California and the Standing Order of this Court. Plaintiff(s) shall be responsible for		
10	filing the statement as well as for arranging the conference call. All parties shall be on the line		
11	and shall call (510) 637-3559 at the above indicated date and time.		
12			
13	IT IS SO ORDERED		
14			
15			
16	DATED: 12/18/08 By: HON SAUNDRA B. ARMSTRONG		
17	United States District Court Judge		
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28	STIPULATION AND [PROPOSED] ORDER		
	DATE CALLETON THE POD COLINGED DEPART AND		

STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR COUNTERDEFENDANT TO RESPOND TO COUNTERCLAIM; AND EXTENDING CMC AND ADR DEADLINES

Case No. C 08-3684 SBA